

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

FILED

AUG 09 2021

Richard Glessip, et al.,

PLAINTIFFS,

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY WJ DEPUTY

VS.

CASE NO. CW-14-665-F

Randy Chandler, et al.,

DEFENDANTS.

(SEE EXHIBIT - A PG. 13) ATTACHMENT NO. 1

WADE LAY, PLAINTIFF AS MOVANT

CAPITAL CASE

PLAINTIFFS RESPONSE TO DOCUMENT 444 WITH ITS
EXHIBIT A - (TO INCLUDE RELEVANT MOTIONS)

COME NOW PLAINTIFF WADE LAY WITH THIS RESPONSE TO
THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA (U.S.D.C. W.D./OK.) ORDER IN DOC. NO. 444 WITH ITS

WADE GREELEY LAY #516263

OKLAHOMA STATE PENITENTIARY

DATE: 08/02/2021

PRO-SE

P.O. BOX 97

MCALISTER, OKLAHOMA 74502

PL. 2012

EXHIBIT A STATING:

"THE OPERATIVE STATEMENT OF THE CLAIM OF WADE LAY IN THIS ACTION IS THE THIRD AMENDED COMPLAINT, DOC. NO. 325, FILED JULY 7, 2020 WHICH EXPRESSLY INCLUDES MR. LAY AS A PLAINTIFF."

IN DOC. NO. 357 THE COURT ON 10/01/2020 STATES: "WADE LAY REMAINS A PRO SE PLAINTIFF IN THIS ACTION." ADDITIONALLY DOC.

NO. 325 - THE THIRD AMENDED COMPLAINT FILED BY MICHAEL LIEBER-

MAN (COUNSEL FOR ALL OTHER PLAINTIFFS EXCLUDES WADE LAY). THIS

CLARITY IS EXHIBITED IN MULTIPLE PLEADINGS SUCH AS: DOC.

NO. 373, FILED BY MICHAEL LIEBERMAN ON 11/27/2020 SIGNIFYING

THAT, "ALL PLAINTIFFS" LEGALLY INCLUDES THE INDIVIDUAL PRISONERS

NAMED BY COUNSEL, TO INCLUDE THE THIRTY SIX (36) NAMED

PRISONERS IN THE PLAINTIFF'S "MOTION TO COMPEL Production

of Documents and Brief in Support FILED BY..." BUT DOES NOT, AND

FAR

1) THIS EXCLUDES THOSE INDIVIDUAL PRISONERS REMOVED FOR VARIOUS REASONS, SUCH AS DEATH, OR THE *McClint v. Oklahoma* 5:11 (2020) ROUNG, 591 O.S. (2020)

CANNOT FOR THE PURPOSE OF THE COURT'S ORDER (DOC. NO. 444)

INCLUDE THE PRO-SE PLAINTIFF WADE LAY.

THIS DISTINCTION IS MADE BY WADE LAY IN HIS AMENDED COMPLAINT,

(SEE DOC. NO. 326). AND BY MR. LIEBERMAN, (SEE DOC. NO. 327) THAT

LAY
WADE IS NOT REPRESENTED BY CLEVELL Moring, OR MICHAEL LIEBERMAN.

ADDITIONALLY, WADE LAY IN HIS AMENDED COMPLAINT EMPHATICALLY

DECLARES:

"THE SOVEREIGN RIGHT OF A STATE TO TAKE A MAN'S LIFE FOR A CAPITAL OFFENSE IS BY NO PROVISIONAL MEANS EXCEPTIONALIZED IN THE UNITED STATES CONSTITUTION; MOREOVER, THIS ATTEMPT BY CLEVELL Moring AND THE PLAINTIFFS' IN *Richard Glossip v. Kevin J. Gross*, (CU-14-665-F), IS A DISTORTION, A COUNTERFEIT CLAIM, SUPPLANTING THE PROPER APPLICATION. ...

"A DISTINCTION SHOULD BE RECOGNIZED, BETWEEN COLD BLOODED MURDER, AND VILLAINESS ACTS OF UNSPEAKABLE PERVERSIONS AND INHUMANE BRUTALITY FOR SELF-SERVING PURPOSES BEYOND RATIONAL COMPREHENSION; AND THAT OF RESISTANCE TO OPPRESSION!" (SEE DOC. NO. 326 AT 16 & 17). MOREOVER, ON PAGE 2

OF WADE LAY'S AMENDED COMPLAINT IT READS:

H

"IT IS IMPORTANT TO NOTE: WADE LAY SIGNED AN AGREEMENT WITH CROWELL-MORING FOR REPRESENTATION; CROWELL-MORING DID NOT KEEP THEIR DOCUMENTED PROMISES TO LAY, CROWELL-MORING HAS BEEN TERMINATED BY LETTER."

THEREFORE, PURSUANT TO FED. R. CIV. P. 11, THE THIRD AMENDED COMPLAINT, DOC. NO. 325, FILED ON JULY 7, 2020 CANNOT BE AN

"OPERATIVE STATEMENT OF THE CLAIM OF WADE LAY IN THIS ACTION"

FOR THAT REASON, IT IS PROPER TO EXAMINE IN A CONSTITUTIONAL LIGHT,

THIS COURT'S USAGE AND APPLICATION OF *Bucklew v. Precythe*, 139 S. CT.

1113, (2019), AS PROFFERED BY ALL OTHER PLAINTIFFS' COUNSEL IN

THE THIRD AMENDED COMPLAINT, (DOC. NO. 325).

JUSTICE GORSUCH DELIVERING THE OPINION FOR THE COURT WRITES

CONCERNING BUCKLEW'S "SUGGESTION THAT THE TEST FOR LETHAL

INJECTION PROTOCOL CHALLENGES" ANNOUNCED IN THIS CASE *Glossip v.*

GROSS, 135 S. CT. 2726 (2015), THAT:

"IN EVALUATING THIS ARGUMENT, WE FIRST EXAMINE THE ORIGINAL

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R. H.

"AND HISTORICAL UNDERSTANDING OF THE EIGHTH AMENDMENT AND OUR PRECEDENT IN *BREK* AND *Glossip*. WE THEN ADDRESS WHETHER IN LIGHT OF THOSE AUTHORITIES, IT WOULD BE APPROPRIATE TO ADOPT A DIFFERENT CONSTITUTIONAL TEST FOR AS-APPLIED CLAIMS."

WHAT THE SUPREME COURT OF THE U.S. IS DOING, THERE IS

BEST EXPRESSED WITH A RELATIVE ANALYSIS, ¹⁶, A BIBLICAL TERM

AS USED BY THOMAS JEFFERSON CONCERNING THIS SAME TOPIC.

HE SAID: "LINE UPON LINE", ² THE COURT IS PLACING DOCTRINE

UPON DOCTRINE, ATTACHING THEIR PROGRESSIONS TO THE CONSTITUTION,

AND WITH IMPUDENCE, INVOKING THE CHARACTER OF THOSE FOUNDRY.

FATHERS TO PROMOTE A POSITION THAT IS SANCTIONED BY A JURISDICTIONAL

AUTHORITY THEY SO HONORABLY FOUGHT AND BLED TO OVERCOME

AND DO AWAY WITH, THROUGH MEANS OF REVOLUTION.

JUSTICE GORSUCH SO BOLDLY CLAIMS, THAT "THE CONSTITUTION ALLOWS

CAPITAL PUNISHMENT." HE IMMEDIATELY CITES *Glossip v. Gross*, 135 S. CT.

5.02

2) JEFFERSON REFERENCE IS TO THE JUDGES WITHIN THE HOUSE OF LORDS, HE IS USING A BIBLICAL REFERENCE TO THE MANIPULATION OF THE LAW OF MOSES BY THE PHARISEES.

12 SEP 12 58

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REPS

AT 2731-2733. THE SUPREME COURT SO DECEITFULLY BLENDS "ORIGINAL
AND HISTORICAL" WITH MODERN DAY DOCTRINES FORMED THROUGH
JUDICIAL CONSTRUCTION, THE FINAL ANALYSIS IS FICTION AT
BEST, BORDERING ON FRAUD!

IT IS DELUSIVE FOR J. CORSOCH TO ATTACH HIS REASONING TO
THE ACTS OF THE FIRST CONGRESS, OR TO SUCH A MAN AS PATRICK
HENRY, AS HE DOES IN BOCKLEW, LEANING UPON GLOSSIP, AND
THEN THE SO-CALLED AUTHORITY APPLIED IN DOC. NO. 444 OF
THE ABOVE TITLED CASE, IMPOSED UPON A PRO-SE PRISONER
ILLEGITIMATELY PROHIBITED FROM RESPONDING TO THE DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT. WHAT A DISTORTION FROM THE
HISTORICAL FACT, TO A MODERN DAY MANIFESTATION OF THE ADVERSE
CONDITIONS CONTAINED WITHIN THE HISTORICAL CAVEAT PROVIDED BY
THOSE MEN WHOSE DECLAMATIONS ARE MISREPRESENTED.

H

IT IS EASY TO ASCERTAIN, FROM THE VERY SOURCE GORSUCH UTILIZES, THAT PATRICK HENRY VOICED CONCERNS THAT THOSE REVOLUTIONARIES SHARED, WITH REGARD TO A "JUDICIARY APPROPRIATELY AND NECESSARILY ³ ESSENTIALLY CONSTRUCTED". HISTORY ALSO TEACHES US THAT HENRY SUPPORTED TO OPPOSITION OF THE PENNSYLVANIA MINORITY, IN THEIR CONCERNS ABOUT A JUDICIAL RE-EXAMINATION OF THE FACTS, THAT: "THE CAUSE IS MANY TIMES ANOTHER THING BEFORE THE COURT OF APPEALS, THAN WHAT IT WAS AT THE TIME OF THE FIRST SENTENCE." ⁴ THAT THROUGH MEANS OF THE COMMON LAW A JUDICIAL BODY SO CONSTRUCTED AS THE U.S. SUPREME COURT COULD ⁵ "NEW-MODEL THE WHOLE POLITICAL FABRIC OF THE COUNTRY." (SEE MADISON'S REPORT ON THE ALIEN AND SEDITION ACTS).

THIS IS THE PRIMARY PURPOSE FOR THE STRUCTURAL APPARATUS OF THE STATES RESERVED POWER OF AN AUTONOMOUS CRIMINAL

FIN*

3) SEE PATRICK HENRY'S SPEECH JUNE 7, 1788 BEFORE THE VIRGINIA RATIFYING CONVENTION. 4) ANTIFEDERALIST PAPERS BY RALPH KETCHUM, RECITING THE REASONS OF DISSENT OF THE PENNSYLVANIA MINORITY DEC. 18, 1787.

JURISDICTION, ACTING IN TANDEM WITH THE PROHIBITIVE

CLAUSES IN THE U.S. CONSTITUTION, SUCH AS ART. I, SECT. 3,

CLAUSE 7, LIMITING THE CENTRAL AUTHORITY TO REMOVAL

OF OFFICE ONLY IN MATTERS OF IMPEACHMENT. THOMAS

JEFFERSON POINTS THIS OUT IN HIS DRAFT OF THE KENTUCKY

RESOLUTIONS OF 1798, HE WRITES:

" 2. Resolved, THAT THE CONSTITUTION OF THE UNITED STATES, HAVING DELEGATED TO CONGRESS A POWER TO PUNISH TREASON, COUNTERFEITING THE SECURITIES AND CURRENT COIN OF THE UNITED STATES, PIRACIES, AND FELONIES COMMITTED ON THE HIGH SEAS, AND OFFENSES AGAINST THE LAWS OF NATIONS, AND NO OTHER CRIMES WHATSOEVER; AND IT BEING TRUE AS A GENERAL PRINCIPLE, AND ONE OF THE AMENDMENTS TO THE CONSTITUTION HAVING ALSO DECLARED, THAT 'THE POWERS NOT DELEGATED TO THE UNITED STATES BY THE CONSTITUTION, NOR PROHIBITED BY IT TO THE STATES, ARE RESERVED TO THE STATES RESPECTIVELY, OR TO THE PEOPLE'. (EMPHASIS ADDED).

IN PROMULGATING THIS RESTRICTION TO AN ENLARGED CRIMINAL CODE, BEING

WITHHELD FROM THE CENTRAL AUTHORITY, IT IS CLEAR, THAT THOSE POWERS

THAT *ipso-facto* REQUIRE AN INDEPENDENT JURISDICTION, IS

DICTATED BY THE TENTH ARTICLE OF AMENDMENT. MAYBEE

JUSTICE GORSUCH CAN BE ENLIGHTENED THROUGH THIS

CASE ON APPEAL, TO THE PROPER FUNCTION OF THE EIGHTH

AMENDMENT AS UNDERSTOOD BY THE 1ST CONGRESS. (SEE

↓
DOC. NO. 326, AT PG. 58-60, PARAGRAPHS 131-142).

JAMES MADISON MAKES IT CLEAR JUDGE FRIOT, THAT THE

BILL OF RIGHTS, TO INCLUDE THE CONCEPT OF "CRUEL AND

UNUSUAL PUNISHMENTS" BEING PROHIBITED, APPLIES TO THE

CENTRAL AUTHORITY FOR THE EXPRESS PURPOSE TO EMPOWER

SUCH A MAN AS GOVERNOR KEVIN STITT; AND THE JUDGES OF

THIS STATE THROUGH ARTICLE VI, CLAUSE 2. THE FACTS AFTER

THIS COURT, AND THE U.S. SUPREME COURT ARE OUTSIDE OF THEIR

CONSTITUTIONAL LIMITATIONS, HAVING NO AUTHORITY TO DICTATE

F.D.

*) WHERE HAY'S AMENDED COMPLAINT.

RE-9

H

TO THE STATES ANY SUCH PERMISSION OR DENIAL OF THEIR POWERS

WITH REGARD TO CRIMINAL PROCESS. JUSTICE GORSUCH IS OUT

OF LINE WHEN HE SAYS: "THE JUDICIARY BEARS... LICENSE TO

END A DEBATE' ABOUT CAPITAL PUNISHMENT WITHIN THE REALM OF

STATE AUTHORITY. JUST AS HE IS UNWILLING TO SURRENDER

THE STATES' CRIMINAL JURISDICTION TO A FOREIGN GOVERN-

MENT.

THE BURDEN NOW FALLS UPON THE STATES OF THIS UNION TO JOIN

FORCES IN THE SAME MANNER AS THEY DID IN 1798, LED BY

THOMAS JEFFERSON AND JAMES MADISON.

WADE LAY EMPHATICALLY REJECTS THE COURT'S PROPOSITION THAT

IS PUT FORTH IN DOC. NO. 444, EXHIBIT A, AS BEING OPPRESSIVE

AND IRRATIONAL. FOR THAT REASON, SUPPORTED BY THE ARGUMENTS

OF HIS AMENDED COMPLAINT (DOC. NO. 326) WADE LAY RESPECT-

FO. 8

5) SEE *McGirt v. Oklahoma*, 590 U.S. (2020).

15-10

FULLY DECLINES TO IDENTIFY ANY NOTION OF AN ALTERNATIVE

EXECUTION METHOD. FOR ANY PRISONER TO COOPERATE WITH

SUCH USURPATION FROM THE CENTRAL GOVERNMENT, TO SUGGEST

OR PROVIDE ANY MEANS WHATSOEVER TO BE AN ACCEPTABLE

METHOD FOR HOW THE STATE COULD CARRY OUT SUCH EXECUTION,

NOT ONLY MAKES THE PLAINTIFF COMPLICIT IN A PROCESS HE

BELIEVES IS UNJUST, BUT IS AKIN TO SUICIDE, OR ASSISTED

SUICIDE. IT IS IMMORAL, UNETHICAL, AND COMES FROM AN

IMPULSE BY THE U.S. SUPREME COURT UPON STATE LEADERS

AND A CITIZEN OF THAT STATE THOSE STATE LEADERS ARE DUTY

BOUND TO PROTECT FROM SUCH OPPRESSION, ACTUALLY VIOLATES

THE EIGHTH AMENDMENT.

MADE LAY MOTIONS THIS COURT TO SUSPEND THE PROCEEDINGS.

TO ORDER AN EVIDENTIARY HEARING PRECEDED BY DISCOVERY,

P.L. 18, 0512

Re: H

TO ASCERTAIN THE TRUE FACTS SURROUNDING WADE
LAY'S CIRCUMSTANCES, AND HOW THE CONSTITUTION OF
THE UNITED STATES, WITH RESPECT TO THE
RESERVED POWERS ACT OF OKLAHOMA (74 O.S. SUPP. 2020,
SECTION 18b) PROTECTS HIS PECULIAR INTEREST SEPERATE
FROM THE OTHER PLAINTIFFS, AS REPRESENTED BY HIS
OWN AKEWDED COMPLAINT (DOC. NO. 326) !

CRITIC
HERE



8/2/21

RESPECTFULLY SUBMITTED

BY WADE LAY A.O.S.D.

P.O. BOX 97

08/12/2021

MCALISTER, OKLA. 74502